

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

SANDRA LEIGH WORKMAN,

Plaintiff,

v.

Civil Action No. 2:21-cv-00383

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is Sandra Leigh Workman's complaint (ECF 2) filed July 2, 2021, seeking reversal of the Administrative Law Judge's decision denying her claim for disability benefits.

This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). On October 7, 2021, Magistrate Judge Aboulhosn ordered Ms. Workman to show cause within ten days as to why he should not recommend dismissal of the action pursuant to Federal Rule of Civil Procedure 4(m) for failure to make service within ninety (90) days. See ECF 6. Ms. Workman did not respond. Thereafter, Magistrate Judge Aboulhosn filed his PF&R (ECF 7) on

October 19, 2021, recommending that the court dismiss Ms. Workman's complaint without prejudice for failure to prosecute and remove this matter from the docket.

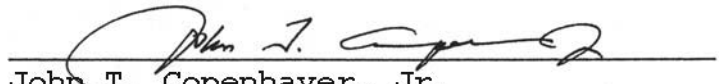
The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (Emphasis added). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the court's order. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v.

Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on November 5, 2021. No objections were filed.

Accordingly, it is ORDERED that the findings made in the PF&R (ECF 7) are ADOPTED by the court and incorporated herein. It is further ORDERED that Ms. Workman's complaint (ECF 2) is DISMISSED without prejudice and this civil action is REMOVED from the docket.

The Clerk is directed to transmit copies of this memorandum opinion and order to all counsel of record and to any unrepresented parties.

ENTER: November 15, 2021

  
John T. Copenhaver, Jr.  
Senior United States District Judge